



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

Monday, June 01, 2009

*Commissioner David Lillard, Chairman  
Commissioner Deidre Malone, Chairman Pro Tempore  
Commissioner Joyce Avery  
Commissioner Henri E. Brooks  
Commissioner Wyatt Bunker  
Commissioner Mike Carpenter  
Commissioner Sidney Chism*

*Commissioner George Flinn  
Commissioner Joe Ford  
Commissioner J.W. Gibson II  
Commissioner James Harvey  
Commissioner Steve Mulroy  
Commissioner Mike Ritz*

4/21/2010 4:38 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Robert J. Matthews, Sr.  
New Hope Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

March 30, 2009

April 13, 2009

April 22, 2009

**CONSENT AGENDA**

### **Resolutions of Memorial, Sympathy and Commendation**

1. [Resolution of the Shelby County Board of Commissioners Commending Antonio Parkinson for Exemplary Community Service. Sponsored by Chairman Deidre Malone.](#)
2. [Resolution of the Shelby County Board of Commissioners Honoring the Cordova High School Boys Track Team and their Coach Jason Wood on winning the 2009 Tennessee High School Class AAA Track & Field State Championship. Sponsored by Commissioner Mike Ritz.](#)
3. [Resolution of the Shelby County Board of Commissioners Honoring the Kingsbury High School Boys Soccer Team and their Coach Jihad Haidar on Advancing to their first State AAA Tournament in School History. Sponsored by Commissioner Mike Ritz.](#)

### **Ordinances**

**RITZ  
Chairman,  
Land Use  
Committee**

4. [ORDINANCE - SECOND READING - A joint ordinance by the Council of the City of Memphis and the Shelby County Board of Commissioners amending the sign provisions of the Zoning Code of Memphis and Shelby County, adopted by the Shelby County Board of Commissioners on October 6, 1980 and by the Council of the City of Memphis on October 7, 1980, so as to make certain changes as hereinafter set out and establish an effective date therefore. Sponsored by Commissioner Mike Ritz.](#)

### **Zoning and Subdivisions**

**Reports and/or Resolutions for Standing Committees**

**GIBSON  
Chairman,  
Budget and  
Finance  
Committee**

5. [Resolution to request unclaimed balance of accounts remitted to State Treasurer under Unclaimed Property Act. Sponsored by Chairman Deidre Malone.](#)

**GIBSON  
Chairman,  
Budget and  
Finance  
Committee**

6. [Resolution establishing amended accounting policies and classifications in accordance with generally accepted accounting principles. Sponsored by Commissioner J. W. Gibson.](#)

**GIBSON  
Chairman,  
Budget and  
Finance  
Committee**

7. [Resolution requiring the layoff of 100 General Fund employees on or before June 30, 2009 in accordance with the Civil Service Merit Act's layoff procedures. Sponsored by Commissioner J. W. Gibson. \(WITHDRAWN IN COMMITTEE 5/27/09\)](#)

**GIBSON  
Chairman,  
Budget and  
Finance  
Committee**

8. [Resolution approving expenditure of funds in the amount of \\$454,599.51 to U.S. Ink and Toner, Inc. to purchase toner cartridges for printers and fax machines for the various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \\$454,599.51. Sponsored by Chairman Deidre Malone. \(DEFERRED TO 6/15/09\)](#)

**BUNKER  
Chairman,  
Public Works  
Committee**

9. [Resolution approving a Lease Agreement leasing Fire Station #65, located at 2870 Rockcreek Parkway, in the County of Shelby, to the City of Memphis, acting through the City's Fire Services Division to provide fire services and assistance in firefighting for residents annexed into the City of Memphis and authorizing the Shelby County Mayor to execute the Agreement. Sponsored by Commissioner Wyatt Bunker](#)

**BUNKER**  
Chairman,  
Public Works  
Committee

10. [A resolution to grant a Permanent Sanitary Sewer Easement, 10,094.36 square feet, \(0.2317 acres\) together with a Temporary Construction Easement, 3,243.14 square feet, across county owned real property located at 8340 Ellis Road, known as the Shelby County Cemetery, to the City of Bartlett, for nominal consideration, for its installation of permanent sanitary sewer improvements. Sponsored by Commissioner Wyatt Bunker.](#)

**BUNKER**  
Chairman,  
Public Works  
Committee

11. [Resolution approving the lease of 20.14 acres of unimproved Benjestown Road right-of-way to D. Curtis Wegener to use in conjunction with his operation of a hunting club and authorizing the Shelby County Mayor to execute the Lease Agreement. Sponsored by Commissioner Wyatt Bunker.](#)

**BUNKER**  
Chairman,  
Public Works  
Committee

12. [Resolution approving expenditure of funds in the amount not to exceed \\$200,000.00 for Americans with Disabilities Act \(ADA\) upgrades in various Shelby County Government facilities; and this item requires expenditure of County CIP Funds in the amount of \\$200,000.00 from the FY 2008-2009 Budget for CIP Number 101710, Office Buildings. Sponsored by Commissioner Wyatt Bunker.](#)

**BUNKER**  
Chairman,  
Public Works  
Committee

13. [Resolution to amend the FY2009 operating budget for the Memphis and Shelby County Port Commission to recognize and expend deferred revenue from FY2008. Sponsored by Commissioner Wyatt Bunker](#)

**BUNKER**  
Chairman,  
Public Works  
Committee

14. [Resolution approving the expenditure of funds by Shelby County Government to Avpol International, Llc for the purchase of gasoline and diesel fuel in the approximate amount of \\$2,130,690.00 and this item requires the expenditure of state gas tax funds in the amount of \\$1,130,690.00, and expenditure of General Funds in an amount of up to \\$1,000,000.00.](#)

Sponsored by Commissioner Wyatt Bunker.

**AVERY**  
Chairman,  
Hospitals and  
Health  
Committee

15. A resolution approving a renewal of Lease Agreement in the amount of \$179,820.00 with Nussbaum Properties, LLC for three years, commencing on July 1, 2009 through June 30, 2012 for office and clinic space at 757 Galloway, Memphis, TN 38105 for the operation of a public health WIC Immunization Clinic and Commodity Supplemental Food Warehouse, and appropriation of said funds. This item requires the expenditure of County General Funds in the amount of \$107,892.00 and of State Grant funds in the amount of \$71,928.00. Resolution sponsored by Commissioner Joyce Avery.

**CHISM**  
Chairman, Law  
Enforcement  
Committee

16. A resolution approving the renewal of services for automotive body repairs of fleet vehicles in the amount of \$130,000.00 for the Shelby County Sheriff's Office originally awarded by Sealed Bid #I001385 and appropriation of said funds. This item requires the expenditure of General Funds in the amount of \$130,000.00. Sponsored by Commissioner Sidney Chism.

**CHISM**  
Chairman, Law  
Enforcement  
Committee

17. Resolution amending the FY 2009 Operating Budget to accept additional grant funds from the Shelby County 9-1-1 District in the amount of \$125,885.00 for the purpose of providing replacement consoles for the dispatchers in the Shelby County Sheriff's Office Communications Center and this item requires the expenditure of Shelby County 9-1-1 District Grant Funds in the amount of \$125,885.00. Sponsored by Commissioner Sidney Chism. (ADD ON IN COMMITTEE 5/27/09)

**RITZ**  
Chairman,  
Land Use  
Committee

18. Resolution directing Office of Planning and Development to study alternative methods other than the Federal Census to amend Resolution No. 31 adopted on January 24, 2000, Resolution No. 32 adopted on March 13, 2000, Resolution No. 1

adopted on April 25, 2002, and Resolution No. 1 adopted on March 24, 2004 establishing Redistricting Plan for the Shelby County Board of Education pursuant to the provisions of Tennessee Code Annotated Section 49-2-201 in order to adopt a plan consisting of seven members and seven districts of substantially equal population comprising the areas of Shelby County outside the City of Memphis.Sponsored by Commissioner Mike Ritz. (AMENDED IN COMMITTEE 5/27/09)

**MULROY**  
Acting Chair,  
Economic  
Development  
Committee

19. Resolution to approve an agreement to recoup the cost of providing improvements, facilities and service to National Church Residences of Memphis (Newberry Heights), a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tenn. Code Ann. 67-5-207, et.seq., at an amount of \$5 per unit per month. Sponsored by Commissioner James Harvey.

**FORD**  
Chairman,  
General  
Government  
Committee

20. Resolution amending the contract with Corvel Corporation for medical bill review services to add check writing and Medicare agent set aside services and increase the contract from \$200,000 to \$275,000 per year and this resolution will require the additional expenditure of \$75,000 of On-The-Job-Injury funds. Sponsored by Commissioner Joe Ford.

**CHISM**  
Acting  
Chairman,  
Delinquent Tax  
Property  
Committee

21. Resolution approving the sale of six (6) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0201, 0403, and 0404, to identified purchasers at various prices collectively totaling \$12,500.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

**CHISM**  
Acting  
Chairman,

22. Resolution approving the sale of sixteen (16) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 82.1,

Delinquent Tax  
Property  
Committee

92.1, 92.2a, 97.1.1, 97.1.3, 0103, 0204, 0206, 0303, 0305, 0403, and 0404 to identified purchasers at various prices collectively totaling \$70,700.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds, Sponsored by Commissioner Matt Kuhn.

CHISM  
Acting  
Chairman,  
Delinquent Tax  
Property  
Committee

23. Resolution approving the conveyance of one (1) county owned Delinquent Tax Parcel, acquired from Shelby County Trustee Tax Sale No. 0305, to Lemoyne-Owen College Community Development Corporation, a Tennessee Not-for Profit Corporation, for nominal consideration, pursuant to T.C.A. §67-5-2509(d)(2) and authorizing the Shelby County Mayor to execute a Quit Claim Deed. Sponsored by Commissioner Matt Kuhn.

## ***R E G U L A R   A G E N D A***

### **Elections, Appointments, and Confirmations**

FORD  
Chairman,  
General  
Government  
Committee

24. Resolution approving the County Mayor's nomination of Claud O. McCrory, III and Chet A. Kibble, Sr. for reappointment to the Memphis and Shelby County Electrical Code Board. Sponsored by Commissioner Joe Ford.

### **Ordinances**

CHISM  
Chairman, Law  
Enforcement  
Committee

25. ORDINANCE - THIRD READING - An Ordinance by the Shelby County Board of Commissioners to amend Chapter 22, Art. II of the Shelby County Code of Ordinances so as to amend the Shelby County Fire Code. Sponsored by Commissioner Sidney Chism.

FORD  
Chairman,

26. ORDINANCE - THIRD READING - An Ordinance to amend the Shelby County Code of Ordinances,

General  
Government  
Committee

Chapter 12, Article II, Section 12-26 to 12-66 relative to the regulation of the Civil Service Merit System. Sponsored by Commissioner Mike Carpenter.

FORD  
Chairman,  
General  
Government  
Committee

27. ORDINANCE - SECOND READING - An ordinance to amend the Shelby County Code of Ordinances by enacting a new prevailing wage ordinance that requires compliance with prevailing wages and benefits and provides for a means of enforcement, penalties, and sanctions for violations. Sponsored by Commissioner Steve Mulroy. (DEFERRED FROM 5/11/09)

FORD  
Chairman,  
General  
Government  
Committee

28. ORDINANCE - FIRST READING - An ordinance to amend the Shelby County Code of Ordinances, Chapter 12, so as to establish non-discrimination provisions regarding sexual orientation or gender identity or expression. Sponsored by Commissioner Steve Mulroy. (AMENDED AND FAILED IN COMMITTEE 5/27/09)

### Zoning and Subdivisions

### Reports and/or Resolutions for Standing Committees

GIBSON  
Chairman,  
Budget and  
Finance  
Committee

29. An initial resolution authorizing the execution and delivery of a second supplement to the amended and restated interlocal agreement dated May 15, 2002 as supplemented August 10, 2004 to effect the re-financing of the Memphis Arena project to be refinanced by the Memphis and Shelby County Sports Authority, Inc., relating to the issuance of not exceeding in aggregate principal amount \$160,000,000 of revenue refunding bonds of the Authority in two or more series pursuant to the provisions of Chapter 67, Title 7 and Parts 3 and 10 of Chapter 21 of Title 9 of the Tennessee Code Annotated to refinance a portion of the cost of the acquisition, construction and equipping of the Memphis Arena project; and providing an effective



date. Sponsored by Commissioner J. W. Gibson.  
(SENT FROM COMMITTEE WITHOUT  
RECOMMENDATION)

GIBSON  
Chairman,  
Budget and  
Finance  
Committee

30. Resolution approving Shelby County Government's operating budget for fiscal year 2010. Sponsored by Commissioner J. W. Gibson.

GIBSON  
Chairman,  
Budget and  
Finance  
Committee

31. Resolution approving the Shelby County Capital Improvement Program for Fiscal Year 2010 and the corresponding five year Capital Improvement Program for Fiscal Years 2010-2014 and appropriating an \$833,277.00 transfer to the Debt Service Fund and \$2,000,000 for Bond Issuance and Interest Cost.  
Sponsored by Commissioner J. W. Gibson, II

MULROY  
Acting  
Chairman,  
Economic  
Development  
Committee

32. Resolution requesting the Shelby County Health, Education and Housing Facility Board, the Memphis and Shelby County Center City Revenue Finance Corporation, and the Memphis and Shelby County Industrial Development Board to adopt policy changes relative to the granting of economic development and requesting the Memphis City Council adopt a resolution to effectuate same as it relates to joint City-County boards. Sponsored by Commissioner Mike Ritz. (AMENDED IN COMMITTEE 5/27/09)

FLINN  
Chairman,  
Community  
Services  
Committee

33. Resolution approving a proposal for submission to the City of Memphis for the transfer of operations of the Memphis Sexual Assault Resource Center to Shelby County Government without monetary consideration and requesting the City of Memphis adopt said proposal and authorizing the County Mayor to execute any and all documents necessary to effectuate same. Sponsored by Commissioner Mike Carpenter.

FORD  
Chairman,  
General  
Government  
Committee

34. [Resolution recognizing the effect of sub prime lending and other economic factors causing many home foreclosures in Shelby County; recognizing the County Assessor's recent reappraisal process following the appraisal guidelines promulgated and enforced by the Tennessee Department of Property Assessment; and encouraging the Board of Equalization to consider the effect of home foreclosures, bank real estate owned \(REO\) sales and deeds in-lieu-of foreclosure in their consideration and decisions concerning appeals of the Assessor's reappraisals by Shelby County homeowners. Sponsored by Commissioner Mike Ritz.](#)

#### **Announcements/Statements**

35. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Van D. Turner, Jr. for appointment and Bill McGaughey for reappointment to the Shelby County Health, Education and Housing Facility Board. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor's nomination of Oretha Anderson and Linda Lee White for reappointment to the Shelby County Work Release Board. Sponsored by Commissioner Joe Ford. c) Resolution approving the County Mayor's nomination of Max B. Ostner, Jr. for appointment to the Shelby County Healthcare Corporation. Sponsored by Commissioner Joe Ford. d) Resolution approving the County Mayor's nomination of Earnest Gunn for reappointment and Bill McGaughey for joint City-County reappointment to the Memphis and Shelby County Sports Authority. Sponsored by Commissioner Ford.

#### **Adjournment**

36. Resolution of adjournment to Monday, June 15, 2009 at 1:30 p.m.